

Serial No. 09/680,345

Filed: October 5, 2000

REMARKS

Claims 1, 3-18, 29, 32-41 and 53-56, 58-78 are pending in the present application. Independent Claims 1 and 29 and dependent claims 14, 15 and 38 were amended to further clarify the elements already present in the Claims. Dependent Claims 3, 8, 17-18, 36-37, 53 and 56 were amended to maintain antecedent basis with the respective independent Claims. Claims 60-78 were added to claim subject matter disclosed in the specification. These amendments and additions have added no new matter.

Specification

Applicants have presented a replacement title herewith as requested by the Examiner.

The 35 U.S.C. 103(a) Claim Rejections

Pending Claims 1, 3-6, 8-9, 11-12, 16, 18, 29, 32-35, 37, 41, 54-56, 58 and 59 stand rejected pursuant to 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,731,545 to Lerner et al. (hereinafter "Lerner") in view of U.S. Patent No. 6,431,821 to Feltenberger et al. (hereinafter "Feltenberger"). In addition, claims 7, 36 and 53 stand rejected pursuant to 35 U.S.C. 103(a) as being unpatentable over Lerner in view of Feltenberger and further in view of U.S. Patent No. 4,740,711 to Sato et al. (hereinafter "Sato"). Claims 10, 13 and 17 also stand rejected pursuant to 35 U.S.C. 103(a) as being unpatentable over Lerner in view of Feltenberger and further in view of U.S. Patent No. 3,913,399 to Sheeks (hereinafter "Sheeks"). Claims 14-15 and 38-40 stand rejected pursuant to 35 U.S.C. 103(a) as being unpatentable over Lerner in view of Ballast - General Information sheet and further in view of Electric Lamps (a brief history since Edison). Applicants respectfully traverse these rejections for at least the following reasons.

The Examiner has also included rejections of Claims 19-28, 42-43, 45-52 and 57 pursuant to 35 U.S.C. 103(a). Applicants cancelled Claims 19-28, 42-43, 45-52 and 57 without prejudice or disclaimer of the subject matter in an After-Final Office Action Response mailed on December 13, 2002. The amendments were entered by the Examiner pursuant to an Advisory Action mailed on January 15, 2003 and therefore, it is Applicants' understanding that Claims 19-28, 42-43, 45-52 and 57 are no longer pending in this case. Please let us know if our understanding is incorrect.

Serial No. 09/680,345

Filed: October 5, 2000

Applicants have amended Claim 1 to further disclose that the housing includes an inner wall that defines a passageway having a cross-sectional area that is substantially uniform between the inlet and the outlet of the passageway. Applicants have further amended Claim 1 to disclose that a flow of liquid flows through the passageway. In addition, Applicants have amended Claim 1 to disclose that the turbine nozzle is concentrically positioned near the inlet of the passageway and includes a tip configured to divert the flow of liquid outwardly toward the inner wall, and struts configured to direct the flow of liquid through channels to the rotor.

Claim 29 has been amended to disclose that the housing has a passageway with substantially uniform cross sectional area between the inlet and the outlet of the passageway. In addition, Claim 29 has been amended to disclose supplying a flow of liquid to the passageway. Claim 29 has also been amended to describe directing the flow of liquid towards an inner wall of the passageway with the tip of a turbine nozzle and directing the flow of liquid to the rotor through channels formed by struts included in the turbine nozzle to increase the velocity of the flow of liquid.

The Examiner has rejected Claims 1, 3-13, 16-18, 29, 32-37, 41, 53-56, 58 and 59 in view of Feltenberger by asserting that Feltenberger teaches "a turbine nozzle (2048) fixedly coupled with a housing, wherein the turbine nozzle includes a tip and a plurality of struts." The Feltenberger patent was filed on March 26, 2001 and is a continuation-in-part of US Patent No. 6,206,630 (hereinafter the '630 patent) that was filed on April 24, 1998. The '630 patent does not include "turbine nozzle (2048)" identified by the Examiner nor are the drawings associated with "turbine element 2048" included in the '630 patent. Thus, the cited portion of the Feltenberger patent is not prior art to Applicants' invention. Even if the cited portion of the Feltenberger patent can somehow be construed as a prior art reference, neither Lerner nor Feltenberger alone or in combination teach or suggest the features disclosed by amended Claims 1 or 29 and the Claims dependent therefrom.

With regards to claims 14-15 and 38-40, the Examiner has asserted that "[i]t would have been obvious to one having skill in the art to operate a UV light source using electromagnetic ballasts having a plurality of switchable coils and a plurality of taps to adjust the voltage and current levels." As detailed in the Ballast - General Information sheet, an electromagnetic ballast is a transformer with two windings. Clearly, neither the Ballast - General Information sheet nor the Electric Lamps (a brief history since Edison) teach, suggest or disclose one of a stator and a

Serial No. 09/680,345

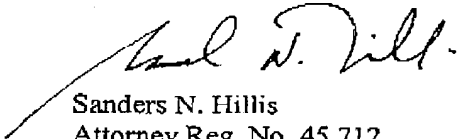
Filed: October 5, 2000

rotor that includes coils that are switchable using taps or parallel and series configurations as disclosed by claims 14-15 and 38-40. Further, as discussed in the Declaration of Mr. Karlis Vecziedins mailed on April 21, 2003 in support of the Appeal Brief, dynamically operating taps and dynamically switching coils to initially energize and maintain energization of an ultraviolet light source within a hydro-power generation system is not taught, suggested or disclosed by any of the cited prior art references.

A prima facie case of obviousness has not been established since the cited prior art references either alone or in combination fail to teach, suggest or disclose all the features of amended Claims 1 and 29. Accordingly, for at least the foregoing reasons, independent Claims 1 and 29 are patentably distinct over the prior art of record. Further, the dependent claims 3-13, 16-18, 54-56 and 32-37, 41, 58-59 depending respectively from claims 1 and 29 are also patentable over the prior art of record for the same reasons, or for at least the reasons Applicants have set forth above. Also, none of the cited prior art references either alone or in combination teach, suggest or disclose the hydro-power generation system disclosed in claims 60-78.

The application is believed to now be in condition for allowance, which is respectfully requested. No additional fees are believed to be required at this time. However, should any additional fees be deemed necessary, please charge such fees to Deposit Account No. 23-1925. Should the Examiner deem a telephone conference to be beneficial in expediting allowance of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



Sanders N. Hillis  
Attorney Reg. No. 45,712

SNH

BRINKS HOFER GILSON & LIONE  
One Indiana Square, Suite 1600  
Indianapolis, Indiana 46204  
Telephone: 317-636-0886  
Facsimile: 317-634-6701